

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 500

Introduced by Senator Kuehl

February 18, 2005

An act to amend *Section 1502 of the Health and Safety Code, and to amend Sections ~~300 and 11401~~ 300, 11400, and 11401 of, and to add Section 16501.25 to,* of the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 500, as amended, Kuehl. AFDC-FC: pregnant and parenting foster youth.

Under existing law, a child may come within the jurisdiction of the juvenile court and become a dependent child of the court, ~~including~~ in, *among others*, cases of abuse or neglect, or failure of a parent or guardian to adequately supervise or protect the child. Existing law declares that a parent's or guardian's physical disability is only relevant to a court's determination to the extent that the parent's disability prevents him or her from exercising care or control.

This bill would additionally declare that a child whose parent has been adjudged a dependent child of the court shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent.

Existing law, the California Community Care Facilities Act, regulates the licensure and operation of community care facilities, which include facilities that provide residential care for foster children. Violation of the provisions regulating community care facilities is a crime.

This bill would include a whole family foster home within the definition of a community care facility. The bill would define a whole family foster home as a family home or certified family home that

provides foster care to a minor parent and his or her child, and that is recruited and trained to assist the minor parent in developing necessary parenting skills. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

This bill would require a shared responsibility plan to be developed for the care of the child of a teen parent when the teen parent is under the jurisdiction of the dependency court and living in an out-of-home placement in a whole family foster home. The bill would set forth the areas to be covered by the plan, including feeding, clothing, transportation, and child care responsibilities.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

Under existing law, federal financial participation is available for certain children who have been adjudged dependent children or wards of the court, or who have been detained under a court order.

This bill would additionally authorize federal financial participation for a dependent child of the court whose parent is also a dependent child of the court who is receiving AFDC-FC benefits, if the parent and child are placed in the same foster care facility and are receiving reunification services, and the child is determined to be eligible for federal financial participation. By creating a new category for AFDC-FC eligibility, and thereby increasing county administration duties for the AFDC-FC program, by expanding AFDC-FC eligibility the bill would impose a state-mandated local program.

Because General Fund moneys are continuously appropriated for purposes of the AFDC-FC program, by expanding AFDC-FC eligibility, the bill would constitute an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1502 of the Health and Safety Code is
2 amended to read:

3 1502. As used in this chapter:

4 (a) “Community care facility” means any facility, place, or
5 building that is maintained and operated to provide nonmedical
6 residential care, day treatment, adult day care, or foster family
7 agency services for children, adults, or children and adults,
8 including, but not limited to, the physically handicapped,
9 mentally impaired, incompetent persons, and abused or neglected
10 children, and includes the following:

11 (1) “Residential facility” means any family home, group care
12 facility, or similar facility determined by the director, for 24-hour
13 nonmedical care of persons in need of personal services,
14 supervision, or assistance essential for sustaining the activities of
15 daily living or for the protection of the individual.

16 (2) “Adult day program” means any community-based facility
17 or program that provides care to persons 18 years of age or older
18 in need of personal services, supervision, or assistance essential
19 for sustaining the activities of daily living or for the protection of
20 these individuals on less than a 24-hour basis.

21 (3) “Therapeutic day services facility” means any facility that
22 provides nonmedical care, counseling, educational or vocational
23 support, or social rehabilitation services on less than a 24-hour
24 basis to persons under 18 years of age who would otherwise be
25 placed in foster care or who are returning to families from foster
26 care. Program standards for these facilities shall be developed by
27 the department, pursuant to Section 1530, in consultation with
28 therapeutic day services and foster care providers.

29 (4) “Foster family agency” means any organization engaged in
30 the recruiting, certifying, and training of, and providing
31 professional support to, foster parents, or in finding homes or
32 other places for placement of children for temporary or
33 permanent care who require that level of care as an alternative to
34 a group home. Private foster family agencies shall be organized
35 and operated on a nonprofit basis.

(5) “Foster family home” means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means a foster family home described in Section 1505.2.

(6) “Small family home” means any residential facility, in the licensee’s family residence, that provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the licensed capacity.

(7) “Social rehabilitation facility” means any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

(8) “Community treatment facility” means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Program components shall be subject to program standards developed and enforced by the State Department of Mental Health pursuant to Section 4094 of the Welfare and Institutions Code.

Nothing in this section shall be construed to prohibit or discourage placement of persons who have mental or physical disabilities into any category of community care facility that meets the needs of the individual placed, if the placement is consistent with the licensing regulations of the department.

1 (9) “Full-service adoption agency” means any licensed entity
2 engaged in the business of providing adoption services, that does
3 all of the following:

4 (A) Assumes care, custody, and control of a child through
5 relinquishment of the child to the agency or involuntary
6 termination of parental rights to the child.

7 (B) Assesses the birth parents, prospective adoptive parents, or
8 child.

9 (C) Places children for adoption.

10 (D) Supervises adoptive placements.

11 Private full-service adoption agencies shall be organized and
12 operated on a nonprofit basis.

13 (10) “Noncustodial adoption agency” means any licensed
14 entity engaged in the business of providing adoption services,
15 that does all of the following:

16 (A) Assesses the prospective adoptive parents.

17 (B) Cooperatively matches children freed for adoption, who
18 are under the care, custody, and control of a licensed adoption
19 agency, for adoption, with assessed and approved adoptive
20 applicants.

21 (C) Cooperatively supervises adoptive placements with a
22 full-service adoptive agency, but does not disrupt a placement or
23 remove a child from a placement.

24 Private noncustodial adoption agencies shall be organized and
25 operated on a nonprofit basis.

26 (11) “Transitional shelter care facility” means any group care
27 facility that provides for 24-hour nonmedical care of persons in
28 need of personal services, supervision, or assistance essential for
29 sustaining the activities of daily living or for the protection of the
30 individual. Program components shall be subject to program
31 standards developed by the State Department of Social Services
32 pursuant to Section 1502.3.

33 (12) “Transitional housing placement facility” means a
34 community care facility licensed by the department pursuant to
35 Section 1559.110 to provide transitional housing opportunities to
36 persons at least 17 years of age, and not more than 18 years of
37 age unless the requirements of Section 11403 of the Welfare and
38 Institutions Code are met, who are in out-of-home placement
39 under the supervision of the county department of social services

1 or the county probation department, and who are participating in
2 an independent living program.

3 (13) “Whole family foster home” means a family home or
4 certified family home, as defined in Section 11400 of the Welfare
5 and Institutions Code, that provides foster care for a minor
6 parent and his or her child, and is specifically recruited and
7 trained to assist the minor parent in developing the skills
8 necessary to provide a safe, stable, and permanent home for his
9 or her child. The child of the minor parent need not be the
10 subject of a petition filed pursuant to Section 300 of the Welfare
11 and Institutions Code to qualify for placement in a whole family
12 foster home.

13 (b) “Department” or “state department” means the State
14 Department of Social Services.

15 (c) “Director” means the Director of Social Services.

16 ~~SECTION 4.~~

17 SEC. 2. Section 300 of the Welfare and Institutions Code, as
18 amended by Section 3 of Chapter 824 of the Statutes of 2000, is
19 amended to read:

20 300. Any child who comes within any of the following
21 descriptions is within the jurisdiction of the juvenile court which
22 may adjudge that person to be a dependent child of the court:

23 (a) The child has suffered, or there is a substantial risk that the
24 child will suffer, serious physical harm inflicted nonaccidentally
25 upon the child by the child’s parent or guardian. For the purposes
26 of this subdivision, a court may find there is a substantial risk of
27 serious future injury based on the manner in which a less serious
28 injury was inflicted, a history of repeated inflictions of injuries
29 on the child or the child’s siblings, or a combination of these and
30 other actions by the parent or guardian which indicate the child is
31 at risk of serious physical harm. For purposes of this subdivision,
32 “serious physical harm” does not include reasonable and
33 age-appropriate spanking to the buttocks where there is no
34 evidence of serious physical injury.

35 (b) The child has suffered, or there is a substantial risk that the
36 child will suffer, serious physical harm or illness, as a result of
37 the failure or inability of his or her parent or guardian to
38 adequately supervise or protect the child, or the willful or
39 negligent failure of the child’s parent or guardian to adequately
40 supervise or protect the child from the conduct of the custodian

1 with whom the child has been left, or by the willful or negligent
2 failure of the parent or guardian to provide the child with
3 adequate food, clothing, shelter, or medical treatment, or by the
4 inability of the parent or guardian to provide regular care for the
5 child due to the parent's or guardian's mental illness,
6 developmental disability, or substance abuse. No child shall be
7 found to be a person described by this subdivision solely due to
8 the lack of an emergency shelter for the family. Whenever it is
9 alleged that a child comes within the jurisdiction of the court on
10 the basis of the parent's or guardian's willful failure to provide
11 adequate medical treatment or specific decision to provide
12 spiritual treatment through prayer, the court shall give deference
13 to the parent's or guardian's medical treatment, nontreatment, or
14 spiritual treatment through prayer alone in accordance with the
15 tenets and practices of a recognized church or religious
16 denomination, by an accredited practitioner thereof, and shall not
17 assume jurisdiction unless necessary to protect the child from
18 suffering serious physical harm or illness. In making its
19 determination, the court shall consider (1) the nature of the
20 treatment proposed by the parent or guardian, (2) the risks to the
21 child posed by the course of treatment or nontreatment proposed
22 by the parent or guardian, (3) the risk, if any, of the course of
23 treatment being proposed by the petitioning agency, and (4) the
24 likely success of the courses of treatment or nontreatment
25 proposed by the parent or guardian and agency. The child shall
26 continue to be a dependent child pursuant to this subdivision only
27 so long as is necessary to protect the child from risk of suffering
28 serious physical harm or illness.

29 (c) The child is suffering serious emotional damage, or is at
30 substantial risk of suffering serious emotional damage, evidenced
31 by severe anxiety, depression, withdrawal, or untoward
32 aggressive behavior toward self or others, as a result of the
33 conduct of the parent or guardian or who has no parent or
34 guardian capable of providing appropriate care. No child shall be
35 found to be a person described by this subdivision if the willful
36 failure of the parent or guardian to provide adequate mental
37 health treatment is based on a sincerely held religious belief and
38 if a less intrusive judicial intervention is available.

39 (d) The child has been sexually abused, or there is a
40 substantial risk that the child will be sexually abused, as defined

1 in Section 11165.1 of the Penal Code, by his or her parent or
2 guardian or a member of his or her household, or the parent or
3 guardian has failed to adequately protect the child from sexual
4 abuse when the parent or guardian knew or reasonably should
5 have known that the child was in danger of sexual abuse.

6 (e) The child is under the age of five and has suffered severe
7 physical abuse by a parent, or by any person known by the
8 parent, if the parent knew or reasonably should have known that
9 the person was physically abusing the child. For the purposes of
10 this subdivision, “severe physical abuse” means any of the
11 following: any single act of abuse which causes physical trauma
12 of sufficient severity that, if left untreated, would cause
13 permanent physical disfigurement, permanent physical disability,
14 or death; any single act of sexual abuse which causes significant
15 bleeding, deep bruising, or significant external or internal
16 swelling; or more than one act of physical abuse, each of which
17 causes bleeding, deep bruising, significant external or internal
18 swelling, bone fracture, or unconsciousness; or the willful,
19 prolonged failure to provide adequate food. A child may not be
20 removed from the physical custody of his or her parent or
21 guardian on the basis of a finding of severe physical abuse unless
22 the social worker has made an allegation of severe physical abuse
23 pursuant to Section 332.

24 (f) The child’s parent or guardian caused the death of another
25 child through abuse or neglect.

26 (g) The child has been left without any provision for support;
27 physical custody of the child has been voluntarily surrendered
28 pursuant to Section 1255.7 of the Health and Safety Code and the
29 child has not been reclaimed within the 14-day period specified
30 in subdivision (e) of that section; the child’s parent has been
31 incarcerated or institutionalized and cannot arrange for the care
32 of the child; or a relative or other adult custodian with whom the
33 child resides or has been left is unwilling or unable to provide
34 care or support for the child, the whereabouts of the parent are
35 unknown, and reasonable efforts to locate the parent have been
36 unsuccessful.

37 (h) The child has been freed for adoption by one or both
38 parents for 12 months by either relinquishment or termination of
39 parental rights or an adoption petition has not been granted.

1 (i) The child has been subjected to an act or acts of cruelty by
2 the parent or guardian or a member of his or her household, or
3 the parent or guardian has failed to adequately protect the child
4 from an act or acts of cruelty when the parent or guardian knew
5 or reasonably should have known that the child was in danger of
6 being subjected to an act or acts of cruelty.

7 (j) The child's sibling has been abused or neglected, as defined
8 in subdivision (a), (b), (d), (e), or (i), and there is a substantial
9 risk that the child will be abused or neglected, as defined in those
10 subdivisions. The court shall consider the circumstances
11 surrounding the abuse or neglect of the sibling, the age and
12 gender of each child, the nature of the abuse or neglect of the
13 sibling, the mental condition of the parent or guardian, and any
14 other factors the court considers probative in determining
15 whether there is a substantial risk to the child.

16 It is the intent of the Legislature that nothing in this section
17 disrupt the family unnecessarily or intrude inappropriately into
18 family life, prohibit the use of reasonable methods of parental
19 discipline, or prescribe a particular method of parenting. Further,
20 nothing in this section is intended to limit the offering of
21 voluntary services to those families in need of assistance but who
22 do not come within the descriptions of this section. To the extent
23 that savings accrue to the state from child welfare services
24 funding obtained as a result of the enactment of the act that
25 enacted this section, those savings shall be used to promote
26 services which support family maintenance and family
27 reunification plans, such as client transportation, out-of-home
28 respite care, parenting training, and the provision of temporary or
29 emergency in-home caretakers and persons teaching and
30 demonstrating homemaking skills. The Legislature further
31 declares that a physical disability, such as blindness or deafness,
32 is no bar to the raising of happy and well-adjusted children and
33 that a court's determination pursuant to this section shall center
34 upon whether a parent's disability prevents him or her from
35 exercising care and control. The Legislature further declares that
36 a child whose parent has been adjudged a dependent child of the
37 court pursuant to this section shall not be considered to be at risk
38 of abuse or neglect solely because of the age, dependent status, or
39 foster care status of the parent.

1 As used in this section “guardian” means the legal guardian of
2 the child.

3 (k) This section shall be repealed on January 1, 2006, unless a
4 later enacted statute extends or deletes that date.

5 ~~SEC. 2.~~

6 *SEC. 3.* Section 300 of the Welfare and Institutions Code, as
7 added by Section 3.5 of Chapter 824 of the Statutes of 2000, is
8 amended to read:

9 300. Any child who comes within any of the following
10 descriptions is within the jurisdiction of the juvenile court which
11 may adjudge that person to be a dependent child of the court:

12 (a) The child has suffered, or there is a substantial risk that the
13 child will suffer, serious physical harm inflicted nonaccidentally
14 upon the child by the child’s parent or guardian. For the purposes
15 of this subdivision, a court may find there is a substantial risk of
16 serious future injury based on the manner in which a less serious
17 injury was inflicted, a history of repeated inflictions of injuries
18 on the child or the child’s siblings, or a combination of these and
19 other actions by the parent or guardian which indicate the child is
20 at risk of serious physical harm. For purposes of this subdivision,
21 “serious physical harm” does not include reasonable and
22 age-appropriate spanking to the buttocks where there is no
23 evidence of serious physical injury.

24 (b) The child has suffered, or there is a substantial risk that the
25 child will suffer, serious physical harm or illness, as a result of
26 the failure or inability of his or her parent or guardian to
27 adequately supervise or protect the child, or the willful or
28 negligent failure of the child’s parent or guardian to adequately
29 supervise or protect the child from the conduct of the custodian
30 with whom the child has been left, or by the willful or negligent
31 failure of the parent or guardian to provide the child with
32 adequate food, clothing, shelter, or medical treatment, or by the
33 inability of the parent or guardian to provide regular care for the
34 child due to the parent’s or guardian’s mental illness,
35 developmental disability, or substance abuse. No child shall be
36 found to be a person described by this subdivision solely due to
37 the lack of an emergency shelter for the family. Whenever it is
38 alleged that a child comes within the jurisdiction of the court on
39 the basis of the parent’s or guardian’s willful failure to provide
40 adequate medical treatment or specific decision to provide

1 spiritual treatment through prayer, the court shall give deference
2 to the parent's or guardian's medical treatment, nontreatment, or
3 spiritual treatment through prayer alone in accordance with the
4 tenets and practices of a recognized church or religious
5 denomination, by an accredited practitioner thereof, and shall not
6 assume jurisdiction unless necessary to protect the child from
7 suffering serious physical harm or illness. In making its
8 determination, the court shall consider (1) the nature of the
9 treatment proposed by the parent or guardian, (2) the risks to the
10 child posed by the course of treatment or nontreatment proposed
11 by the parent or guardian, (3) the risk, if any, of the course of
12 treatment being proposed by the petitioning agency, and (4) the
13 likely success of the courses of treatment or nontreatment
14 proposed by the parent or guardian and agency. The child shall
15 continue to be a dependent child pursuant to this subdivision only
16 so long as is necessary to protect the child from risk of suffering
17 serious physical harm or illness.

18 (c) The child is suffering serious emotional damage, or is at
19 substantial risk of suffering serious emotional damage, evidenced
20 by severe anxiety, depression, withdrawal, or untoward
21 aggressive behavior toward self or others, as a result of the
22 conduct of the parent or guardian or who has no parent or
23 guardian capable of providing appropriate care. No child shall be
24 found to be a person described by this subdivision if the willful
25 failure of the parent or guardian to provide adequate mental
26 health treatment is based on a sincerely held religious belief and
27 if a less intrusive judicial intervention is available.

28 (d) The child has been sexually abused, or there is a
29 substantial risk that the child will be sexually abused, as defined
30 in Section 11165.1 of the Penal Code, by his or her parent or
31 guardian or a member of his or her household, or the parent or
32 guardian has failed to adequately protect the child from sexual
33 abuse when the parent or guardian knew or reasonably should
34 have known that the child was in danger of sexual abuse.

35 (e) The child is under the age of five and has suffered severe
36 physical abuse by a parent, or by any person known by the
37 parent, if the parent knew or reasonably should have known that
38 the person was physically abusing the child. For the purposes of
39 this subdivision, "severe physical abuse" means any of the
40 following: any single act of abuse which causes physical trauma

1 of sufficient severity that, if left untreated, would cause
2 permanent physical disfigurement, permanent physical disability,
3 or death; any single act of sexual abuse which causes significant
4 bleeding, deep bruising, or significant external or internal
5 swelling; or more than one act of physical abuse, each of which
6 causes bleeding, deep bruising, significant external or internal
7 swelling, bone fracture, or unconsciousness; or the willful,
8 prolonged failure to provide adequate food. A child may not be
9 removed from the physical custody of his or her parent or
10 guardian on the basis of a finding of severe physical abuse unless
11 the social worker has made an allegation of severe physical abuse
12 pursuant to Section 332.

13 (f) The child's parent or guardian caused the death of another
14 child through abuse or neglect.

15 (g) The child has been left without any provision for support;
16 the child's parent has been incarcerated or institutionalized and
17 cannot arrange for the care of the child; or a relative or other
18 adult custodian with whom the child resides or has been left is
19 unwilling or unable to provide care or support for the child, the
20 whereabouts of the parent are unknown, and reasonable efforts to
21 locate the parent have been unsuccessful.

22 (h) The child has been freed for adoption by one or both
23 parents for 12 months by either relinquishment or termination of
24 parental rights or an adoption petition has not been granted.

25 (i) The child has been subjected to an act or acts of cruelty by
26 the parent or guardian or a member of his or her household, or
27 the parent or guardian has failed to adequately protect the child
28 from an act or acts of cruelty when the parent or guardian knew
29 or reasonably should have known that the child was in danger of
30 being subjected to an act or acts of cruelty.

31 (j) The child's sibling has been abused or neglected, as defined
32 in subdivision (a), (b), (d), (e), or (i), and there is a substantial
33 risk that the child will be abused or neglected, as defined in those
34 subdivisions. The court shall consider the circumstances
35 surrounding the abuse or neglect of the sibling, the age and
36 gender of each child, the nature of the abuse or neglect of the
37 sibling, the mental condition of the parent or guardian, and any
38 other factors the court considers probative in determining
39 whether there is a substantial risk to the child.

1 It is the intent of the Legislature that nothing in this section
2 disrupt the family unnecessarily or intrude inappropriately into
3 family life, prohibit the use of reasonable methods of parental
4 discipline, or prescribe a particular method of parenting. Further,
5 nothing in this section is intended to limit the offering of
6 voluntary services to those families in need of assistance but who
7 do not come within the descriptions of this section. To the extent
8 that savings accrue to the state from child welfare services
9 funding obtained as a result of the enactment of the act that
10 enacted this section, those savings shall be used to promote
11 services which support family maintenance and family
12 reunification plans, such as client transportation, out-of-home
13 respite care, parenting training, and the provision of temporary or
14 emergency in-home caretakers and persons teaching and
15 demonstrating homemaking skills. The Legislature further
16 declares that a physical disability, such as blindness or deafness,
17 is no bar to the raising of happy and well-adjusted children and
18 that a court's determination pursuant to this section shall center
19 upon whether a parent's disability prevents him or her from
20 exercising care and control. The Legislature further declares that
21 a child whose parent has been adjudged a dependent child of the
22 court pursuant to this section shall not be considered to be at risk
23 of abuse or neglect solely because of the age, dependent status, or
24 foster care status of the parent.

25 As used in this section, "guardian" means the legal guardian of
26 the child.

27 *SEC. 4. Section 11400 of the Welfare and Institutions Code,*
28 *as amended by Section 6 of Chapter 664 of the Statutes of 2004,*
29 *is amended to read:*

30 11400. For the purposes of this article, the following
31 definitions shall apply:

32 (a) "Aid to Families with Dependent Children-Foster Care
33 (AFDC-FC)" means the aid provided on behalf of needy children
34 in foster care under the terms of this division.

35 (b) "Case plan" means a written document that, at a minimum,
36 specifies the type of home in which the child shall be placed, the
37 safety of that home, and the appropriateness of that home to meet
38 the child's needs. It shall also include the agency's plan for
39 ensuring that the child receive proper care and protection in a
40 safe environment, and shall set forth the appropriate services to

1 be provided to the child, the child's family, and the foster
2 parents, in order to meet the child's needs while in foster care,
3 and to reunify the child with the child's family. In addition, the
4 plan shall specify the services that will be provided or steps that
5 will be taken to facilitate an alternate permanent plan if
6 reunification is not possible.

7 (c) "Certified family home" means a family residence certified
8 by a licensed foster family agency and issued a certificate of
9 approval by that agency as meeting licensing standards, and used
10 only by that foster family agency for placements.

11 (d) "Family home" means the family residency of a licensee in
12 which 24-hour care and supervision are provided for children.

13 (e) "Small family home" means any residential facility, in the
14 licensee's family residence, which provides 24-hour care for six
15 or fewer foster children who have mental disorders or
16 developmental or physical disabilities and who require special
17 care and supervision as a result of their disabilities.

18 (f) "Foster care" means the 24-hour out-of-home care provided
19 to children whose own families are unable or unwilling to care
20 for them, and who are in need of temporary or long-term
21 substitute parenting.

22 (g) "Foster family agency" means any individual or
23 organization engaged in the recruiting, certifying, and training of,
24 and providing professional support to, foster parents, or in
25 finding homes or other places for placement of children for
26 temporary or permanent care who require that level of care as an
27 alternative to a group home. Private foster family agencies shall
28 be organized and operated on a nonprofit basis.

29 (h) "Group home" means a nondetention privately operated
30 residential home, organized and operated on a nonprofit basis
31 only, of any capacity, that provides services in a group setting to
32 children in need of care and supervision, as required by
33 paragraph (1) of subdivision (a) of Section 1502 of the Health
34 and Safety Code.

35 (i) "Periodic review" means review of a child's status by the
36 juvenile court or by an administrative review panel, that shall
37 include a consideration of the safety of the child, a determination
38 of the continuing need for placement in foster care, evaluation of
39 the goals for the placement and the progress toward meeting
40 these goals, and development of a target date for the child's

1 return home or establishment of alternative permanent
2 placement.

3 (j) “Permanency planning hearing” means a hearing conducted
4 by the juvenile court in which the child’s future status, including
5 whether the child shall be returned home or another permanent
6 plan shall be developed, is determined.

7 (k) “Placement and care” refers to the responsibility for the
8 welfare of a child vested in an agency or organization by virtue
9 of the agency or organization having (1) been delegated care,
10 custody, and control of a child by the juvenile court, (2) taken
11 responsibility, pursuant to a relinquishment or termination of
12 parental rights on a child, (3) taken the responsibility of
13 supervising a child detained by the juvenile court pursuant to
14 Section 319 or 636, or (4) signed a voluntary placement
15 agreement for the child’s placement; or to the responsibility
16 designated to an individual by virtue of his or her being
17 appointed the child’s legal guardian.

18 (l) “Preplacement preventive services” means services that are
19 designed to help children remain with their families by
20 preventing or eliminating the need for removal.

21 (m) “Relative” means an adult who is related to the child by
22 blood, adoption, or affinity within the fifth degree of kinship,
23 including stepparents, stepsiblings, and all relatives whose status
24 is preceded by the words “great,” “great-great,” or “grand” or the
25 spouse of any of these persons even if the marriage was
26 terminated by death or dissolution.

27 (n) “Nonrelative extended family member” means an adult
28 caregiver who has an established familial or mentoring
29 relationship with the child, as described in Section 362.7.

30 (o) “Voluntary placement” means an out-of-home placement
31 of a child by (1) the county welfare department after the parents
32 or guardians have requested the assistance of the county welfare
33 department and have signed a voluntary placement agreement; or
34 (2) the county welfare department licensed public or private
35 adoption agency, or the department acting as an adoption agency,
36 after the parents have requested the assistance of either the
37 county welfare department, the licensed public or private
38 adoption agency, or the department acting as an adoption agency
39 for the purpose of adoption planning, and have signed a
40 voluntary placement agreement.

1 (p) “Voluntary placement agreement” means a written
2 agreement between either the county welfare department, a
3 licensed public or private adoption agency, or the department
4 acting as an adoption agency, and the parents or guardians of a
5 child that specifies, at a minimum, the following:

6 (1) The legal status of the child.

7 (2) The rights and obligations of the parents or guardians, the
8 child, and the agency in which the child is placed.

9 (q) “Original placement date” means the most recent date on
10 which the court detained a child and ordered an agency to be
11 responsible for supervising the child or the date on which an
12 agency assumed responsibility for a child due to termination of
13 parental rights, relinquishment, or voluntary placement.

14 (r) “Transitional housing placement facility” means either of
15 the following:

16 (1) A community care facility licensed by the State
17 Department of Social Services pursuant to Section 1559.110 of
18 the Health and Safety Code to provide transitional housing
19 opportunities to persons at least 16 years of age, and not more
20 than 18 years of age unless they satisfy the requirements of
21 Section 11403, who are in out-of-home placement under the
22 supervision of the county department of social services or the
23 county probation department, and who are participating in an
24 independent living program.

25 (2) A facility certified to provide transitional housing services
26 pursuant to subdivision (e) of Section 1559.110 of the Health and
27 Safety Code.

28 (s) “Transitional housing placement program” means a
29 program that provides supervised housing opportunities to
30 eligible youth pursuant to Article 4 (commencing with Section
31 16522) of Chapter 5 of Part 4.

32 (t) “Crisis nursery” means a facility licensed to provide
33 short-term, 24-hour nonmedical residential care and supervision
34 for children under six years of age who are either voluntarily
35 placed for temporary care by a parent or legal guardian due to a
36 family crisis or stressful situation for no more than 30 days or,
37 except as provided in subdivision (e) of Section 1516 of the
38 Health and Safety Code, who are temporarily placed by a county
39 child welfare service agency for no more than 14 days.

1 (u) “Whole family foster home” means a family home or
2 certified family home that provides foster care for a minor parent
3 and his or her child, and is specifically recruited and trained to
4 assist the minor parent in developing the skills necessary to
5 provide a safe, stable, and permanent home for his or her child.
6 The child of the minor parent need not be the subject of a petition
7 filed pursuant to Section 300 to qualify for placement in a whole
8 family foster home.

9 (v) This section shall remain in effect only until January 1,
10 2008, and as of that date is repealed, unless a later enacted
11 statute, that is enacted before January 1, 2008, deletes or extends
12 that date.

13 SEC. 5. Section 11400 of the Welfare and Institutions Code,
14 as added by Section 7 of Chapter 664 of the Statutes of 2004, is
15 amended to read:

16 11400. For the purposes of this article, the following
17 definitions shall apply:

18 (a) “Aid to Families with Dependent Children-Foster Care
19 (AFDC-FC)” means the aid provided on behalf of needy children
20 in foster care under the terms of this division.

21 (b) “Case plan” means a written document that, at a minimum,
22 specifies the type of home in which the child shall be placed, the
23 safety of that home, and the appropriateness of that home to meet
24 the child’s needs. It shall also include the agency’s plan for
25 ensuring that the child receive proper care and protection in a
26 safe environment, and shall set forth the appropriate services to
27 be provided to the child, the child’s family, and the foster
28 parents, in order to meet the child’s needs while in foster care,
29 and to reunify the child with the child’s family. In addition, the
30 plan shall specify the services that will be provided or steps that
31 will be taken to facilitate an alternate permanent plan if
32 reunification is not possible.

33 (c) “Certified family home” means a family residence certified
34 by a licensed foster family agency and issued a certificate of
35 approval by that agency as meeting licensing standards, and used
36 only by that foster family agency for placements.

37 (d) “Family home” means the family residency of a licensee in
38 which 24-hour care and supervision are provided for children.

39 (e) “Small family home” means any residential facility, in the
40 licensee’s family residence, which provides 24-hour care for six

1 or fewer foster children who have mental disorders or
2 developmental or physical disabilities and who require special
3 care and supervision as a result of their disabilities.

4 (f) “Foster care” means the 24-hour out-of-home care provided
5 to children whose own families are unable or unwilling to care
6 for them, and who are in need of temporary or long-term
7 substitute parenting.

8 (g) “Foster family agency” means any individual or
9 organization engaged in the recruiting, certifying, and training of,
10 and providing professional support to, foster parents, or in
11 finding homes or other places for placement of children for
12 temporary or permanent care who require that level of care as an
13 alternative to a group home. Private foster family agencies shall
14 be organized and operated on a nonprofit basis.

15 (h) “Group home” means a nondetention privately operated
16 residential home, organized and operated on a nonprofit basis
17 only, of any capacity, that provides services in a group setting to
18 children in need of care and supervision, as required by
19 paragraph (1) of subdivision (a) of Section 1502 of the Health
20 and Safety Code.

21 (i) “Periodic review” means review of a child’s status by the
22 juvenile court or by an administrative review panel, that shall
23 include a consideration of the safety of the child, a determination
24 of the continuing need for placement in foster care, evaluation of
25 the goals for the placement and the progress toward meeting
26 these goals, and development of a target date for the child’s
27 return home or establishment of alternative permanent
28 placement.

29 (j) “Permanency planning hearing” means a hearing conducted
30 by the juvenile court in which the child’s future status, including
31 whether the child shall be returned home or another permanent
32 plan shall be developed, is determined.

33 (k) “Placement and care” refers to the responsibility for the
34 welfare of a child vested in an agency or organization by virtue
35 of the agency or organization having (1) been delegated care,
36 custody, and control of a child by the juvenile court, (2) taken
37 responsibility, pursuant to a relinquishment or termination of
38 parental rights on a child, (3) taken the responsibility of
39 supervising a child detained by the juvenile court pursuant to
40 Section 319 or 636, or (4) signed a voluntary placement

1 agreement for the child's placement; or to the responsibility
2 designated to an individual by virtue of his or her being
3 appointed the child's legal guardian.

4 (l) "Preplacement preventive services" means services that are
5 designed to help children remain with their families by
6 preventing or eliminating the need for removal.

7 (m) "Relative" means an adult who is related to the child by
8 blood, adoption, or affinity within the fifth degree of kinship,
9 including stepparents, stepsiblings, and all relatives whose status
10 is preceded by the words "great," "great-great," or "grand" or the
11 spouse of any of these persons even if the marriage was
12 terminated by death or dissolution.

13 (n) "Nonrelative extended family member" means an adult
14 caregiver who has an established familial or mentoring
15 relationship with the child, as described in Section 362.7.

16 (o) "Voluntary placement" means an out-of-home placement
17 of a child by (1) the county welfare department after the parents
18 or guardians have requested the assistance of the county welfare
19 department and have signed a voluntary placement agreement; or
20 (2) the county welfare department licensed public or private
21 adoption agency, or the department acting as an adoption agency,
22 after the parents have requested the assistance of either the
23 county welfare department, the licensed public or private
24 adoption agency, or the department acting as an adoption agency
25 for the purpose of adoption planning, and have signed a
26 voluntary placement agreement.

27 (p) "Voluntary placement agreement" means a written
28 agreement between either the county welfare department, a
29 licensed public or private adoption agency, or the department
30 acting as an adoption agency, and the parents or guardians of a
31 child that specifies, at a minimum, the following:

32 (1) The legal status of the child.
33 (2) The rights and obligations of the parents or guardians, the
34 child, and the agency in which the child is placed.

35 (q) "Original placement date" means the most recent date on
36 which the court detained a child and ordered an agency to be
37 responsible for supervising the child or the date on which an
38 agency assumed responsibility for a child due to termination of
39 parental rights, relinquishment, or voluntary placement.

(r) “Transitional housing placement facility” means either of the following:

(1) A community care facility licensed by the State Department of Social Services pursuant to Section 1559.110 of the Health and Safety Code to provide transitional housing opportunities to persons at least 16 years of age, and not more than 18 years of age unless they satisfy the requirements of Section 11403, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.

(2) A facility certified to provide transitional housing services pursuant to subdivision (e) of Section 1559.110 of the Health and Safety Code.

(s) “Transitional housing placement program” means a program that provides supervised housing opportunities to eligible youth pursuant to Article 4 (commencing with Section 16522) of Chapter 5 of Part 4.

(t) *“Whole family foster home” means a family home or certified family home that provides foster care for a minor parent and his or her child, and is specifically recruited and trained to assist the minor parent in developing the skills necessary to provide a safe, stable, and permanent home for his or her child. The child of the minor parent need not be the subject of a petition filed pursuant to Section 300 to qualify for placement in a whole family foster home.*

(u) This section shall become operative on January 1, 2008.

~~SEC. 3.~~

SEC. 6. Section 11401 of the Welfare and Institutions Code is amended to read:

11401. Aid in the form of AFDC-FC shall be provided under this chapter on behalf of any child under the age of 18 years, except as provided in Section 11403, who meets the conditions of subdivision (a), (b), (c), (d), (e), (f), or (g):

(a) The child has been relinquished, for purposes of adoption, to a licensed adoption agency, or the department, or the parental rights of either or both of his or her parents have been terminated after an action under the Family Code has been brought by a licensed adoption agency or the department, provided that the licensed adoption agency or the department, if responsible for

1 placement and care, provides to those children all services as
2 required by the department to children in foster care.

3 (b) The child has been removed from the physical custody of
4 his or her parent, relative, or guardian as a result of a voluntary
5 placement agreement or a judicial determination that continuance
6 in the home would be contrary to the child's welfare and that, if
7 the child was placed in foster care, reasonable efforts were made,
8 consistent with Chapter 5 (commencing with Section 16500) of
9 Part 4, to prevent or eliminate the need for removal of the child
10 from his or her home and to make it possible for the child to
11 return to his or her home, and any of the following applies:

12 (1) The child has been adjudged a dependent child of the court
13 on the grounds that he or she is a person described by Section
14 300.

15 (2) The child has been adjudged a ward of the court on the
16 grounds that he or she is a person described by Sections 601 and
17 602.

18 (3) The child has been detained under a court order, pursuant
19 to Section 319 or 636, that remains in effect.

20 (4) The child's dependency jurisdiction has resumed pursuant
21 to Section 387.

22 (c) The child has been voluntarily placed by his or her parent
23 or guardian pursuant to Section 11401.1.

24 (d) The child is living in the home of a nonrelated legal
25 guardian.

26 (e) The child has been placed in foster care under the federal
27 Indian Child Welfare Act. Sections 11402, 11404, and 11405
28 shall not be construed as limiting payments to Indian children, as
29 defined in the federal Indian Child Welfare Act, placed in
30 accordance with that act.

31 (f) To be eligible for federal financial participation, either of
32 the following conditions shall be satisfied:

33 (1) (A) The child meets the conditions of subdivision (b).

34 (B) The child has been deprived of parental support or care for
35 any of the reasons set forth in Section 11250.

36 (C) The child has been removed from the home of a relative as
37 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
38 Regulations, as amended.

39 (D) The requirements of Sections 671 and 672 of Title 42 of
40 the United States Code, as amended, have been met.

1 (2) (A) The child meets the requirements of subdivision (g).

2 (B) The requirements of Sections 671 and 672 of Title 42 of
3 the United States Code, as amended, have been met.

4 (g) The child meets all of the following conditions:

5 (1) The child has been adjudged to be a ward of the court on
6 the ground that he or she is a person described in Section 300.

7 (2) The child's parent also has been adjudged to be a
8 dependent child of the court on the ground that he or she is a
9 person described by Section 300 and is receiving benefits under
10 this chapter.

11 (3) The child is placed in the same licensed or approved foster
12 care facility in which his or her parent is placed and the child's
13 parent is receiving reunification services with respect to that
14 child.

15 *SEC. 7. Section 16501.25 is added to the Welfare and*
16 *Institutions Code, to read:*

17 *16501.25. (a) For purposes of this section, "teen parent"*
18 *means a child under the jurisdiction of the dependency court,*
19 *living in out-of-home placement in a home that is licensed*
20 *pursuant to paragraph (13) of subdivision (a) of Section 1502 of*
21 *the Health and Safety Code, who is a parent.*

22 *(b) When the child of a teen parent is not subject to the*
23 *jurisdiction of the dependency court but is in the full or partial*
24 *physical custody of the teen parent, a written shared*
25 *responsibility plan shall be developed. The plan shall be*
26 *developed with the teen parent, any individuals identified by the*
27 *teen parent, the other parent of the child when appropriate, other*
28 *extended family members, the caregiver, and a representative of*
29 *the agency providing direct and immediate supervision to the*
30 *caregiver.*

31 *(c) The plan shall be designed to preserve and strengthen the*
32 *teen parent family unit, as described in Section 16002.5, to assist*
33 *the teen parent in meeting the goals outlined in Section 16002.5,*
34 *to facilitate a supportive home environment for the teen parent*
35 *and the child and to ultimately enable the teen parent to*
36 *independently provide a safe, stable, and permanent home for the*
37 *child. The plan shall in no way limit the teen parent's legal right*
38 *to make decisions regarding the care, custody, and control of the*
39 *child.*

1 (d) *The plan shall be written for the express purpose of aiding*
2 *the teen parent and the caregiver to reach agreements aimed at*
3 *reducing conflict and misunderstandings. The plan shall outline*
4 *with, as much specificity as is practicable, the duties, rights, and*
5 *responsibilities of both the teen parent and the caregiver with*
6 *regard to the child. The plan shall be updated, as needed, to*
7 *account for the changing needs of infants and toddlers, and in*
8 *accordance with the teen parent's changing school, employment,*
9 *or other outside responsibilities.*

10 (e) *Areas to be addressed by the plan include, but are not*
11 *limited to, all of the following:*

12 (1) *Feeding.*

13 (2) *Clothing.*

14 (3) *Hygiene.*

15 (4) *Purchase of necessary items, including, but not limited to,*
16 *safety items, food, clothing, and developmentally appropriate*
17 *toys and books. This includes both one-time purchases and items*
18 *needed on an ongoing basis.*

19 (5) *Health care.*

20 (6) *Transportation to health care appointments and child care.*

21 (7) *Provision of child care and babysitting.*

22 (8) *Discipline.*

23 (9) *Sleeping arrangements.*

24 ~~SEC. 4.~~

25 SEC. 8. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.